

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD WAYNE WRIGHT, SR.,)
AIS # 187140,)
)
 Plaintiff,)
)
v.) CIVIL ACTION NO. 2:05-CV-439-A
)
SYLVESTER NETTLES, et al.,)
)
 Defendants.)

DR. WILLIAM SANDERS' RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW Dr. William Sanders ("Sanders"), by and through his attorney Gregory Yaghmai, who enters this matter for the limited purpose of responding to the Court's Show Cause order dated November 30, 2005. Sanders and the undersigned counsel expressly file this response without waiving proper service of the Complaint and Amended Complaint.

1. On May 11, 2005, Plaintiff Richard Wayne Wright Sr. filed this matter naming several defendants, including Dr. William Sanders. On July 28, 2005, pursuant to the Court's order, Plaintiff filed an Amended Complaint again naming several defendants, including Dr. William Sanders.

2. Dr. William Sanders was never served with the lawsuit in this matter in accordance with the provisions of Rule 4, *Federal Rules of Civil Procedure*. (See attached Affidavit of William Sanders, Exhibit "A"). To confirm this, the undersigned counsel and his staff have on several occasions communicated with the Clerk for the District Court of

the United States for the Middle District of Alabama to determine whether Dr. Sanders had been properly served. The Clerk's office advised that service has not taken place. As of December 12, 2005, the Clerk's office again verified that no service has occurred with respect to Dr. Sanders. As such, Dr. William Sanders did not file a written report or answer in compliance with this Court's order.

WHEREFORE, Dr. William Sanders responds to this Honorable Court's Show Cause Order and respectfully requests that this Honorable Court dismiss the claims against him for lack of service in accordance with the provisions of Rule 4(m), Federal Rules of Civil Procedure.

Respectfully Submitted,

/s/Gregory F. Yaghmai

ASB-2411-H67G

Attorney for Dr. William Sanders for the limited
purpose of responding to the Court's Show Cause
Order

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and this is to certify that a copy of the foregoing was served upon the following by placing a copy of same in the United States Mail, first class postage prepaid and properly addressed this 14th day of December, 2005:

Inmate Richard Wayne Wright, Sr.
AIS # 187140
Ventress Correctional Facility
P. O. Box 767
Clayton, AL 36016

/s/Gregory F. Yaghmai

ASB-2411-H67G

Attorney for Dr. William Sanders for the limited
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